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10/709,006	04/07/2004	Hung-Jen Huang	12530-US-PA	3005

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ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

MOTSINGER, SEAN T

ART UNIT	PAPER NUMBER
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2624

NOTIFICATION DATE	DELIVERY MODE
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12/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/709,006	Applicant(s) HUANG ET AL.	
	Examiner SEAN MOTSINGER	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/8/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Applicants Arguments/Amendments

1. Applicants arguments/amendments filed on 9/12/2008 have been entered and made of record.
2. Applicants arguments with respect to 35 U.S.C. 101 have been fully considered but are not persuasive. Applicant appears to have interpreted the examiners comments with regard to the rejection in a manner far from the intention of the examiner applicants arguments applicant states "The claimed subject matter is almost literally recited or rewritten from paragraph 27, and as admitted by the Examiner it can also be seen in figure 3." The feature disclosed in figure 3 and paragraph 27 is not the feature required by the claim. The claim requires *"pre-check on the entire compressed image picture after the entire compressed image picture having been received."* The feature shown in figure 3 discloses *the precheck on the entire image being completed prior to beginning the decoding of the entire image.*" See for example paragraph 27 "In other words, the debug analysis is performed on the entire compressed image picture first, and when the result of the debug analysis indicates that there is no error data, it is determined that the compressed image picture is suitable for the subsequent decoding operation." Clearly this is in reference to the entire debug analysis being complete prior to decoding not to the entire image being received prior to the debug analysis (precheck). These features are completely different. The specification nowhere discloses the claimed feature, but discloses an entirely different feature. *The examiner suggests the following*

amendment to amend claim 1 to recite the feature of paragraph 27 and figure 3 "
...pre-check on the entire compressed image picture prior to beginning any
subsequent decoding operation...".

3. Applicant states "Applicants submit that the written description requirement does not restrict the specification to be drafted in a MUST BE manner. On the contrary, the Applicant is only required to convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention." The MUST BE applicant refers to is taken out of the context intended by the examiner, the examiner did not intend that specification recite this as the only embodiment, however the specification is required to show that an embodiment which performs *"pre-check on the entire compressed image picture after the entire compressed image picture having been received."* The "MUST BE" in the examiners rejection refer to a requirement by the claim language (i.e. the entire compressed picture *is (must be)* received before beginning the precheck). Applicant must disclose at least one embodiment where this action is performed. In any event the examiner has clarified the rejection to below to remove the "must be" which as interpreted in a manner the examiner had not intended.
4. Applicants also state "As disclosed in paragraph 27 and Fig. 3, Applicants had clearly and definitely conveyed the possession the concept of what is claimed to one of ordinary skill in the art. And therefore, the written description requirement has

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been well satisfied with respect to claim 1 and no new matters are introduced in view of such amendments. " As discussed above the claim feature in question is different from that disclosed in paragraph 27 and fig. 3.

5. With respect to claim 3 applicant readily admits that the specification does not disclose the feature of claim 3. Applicant therefore tries to argue that the specification implies the claim feature.. Applicant argues that from paragraph 27, every time the applicant states the compressed picture one of ordinary skill in the art would interpret that to mean the entire compressed picture. The examiner disagrees that the claim feature is implied; it is not clear that the entire image is reloaded from paragraph 29, paragraph 29 could just as easily if not more easily be interpreted by one of ordinary to mean some part of the compressed image is reloaded.
6. Applicants arguments with respect to 35 U.S.C. 103 have been fully considered but are not persuasive. Applicant argues that Branden and the APA do not discloses "syntax and semantics pre-check on the entire compressed image picture." The examiner disagrees the debug analysis is performed on every packet and is therefore preformed for the entire image.
7. Applicant further argues that examiners statement "marker bit can include markers for syntax and semantic errors" is not taught be Branden in figure 8. Figure

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8 was not cited by the examiner in support of these features applicants should refer to paragraph 69 and 70.

8. Applicant states the claim requires “executing a debug analysis comprising syntax and semantics precheck before decoding” *the examiner notes this feature is not claimed.* Furthermore Branden does not “perform debug analysis and decoding at the same time” Branden performs a precheck prior to decoding, applicant is referring to a portion of the paragraph that refers to one embodiment while ignoring the second part of the paragraph that says that the checking of syntax is not necessary when it was already performed prior to the decoder by the receiving device.

Rejections Under 35 U.S.C. 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10. Re claim 1 Claims 1 states "...executing a debug analysis comprising syntax and semantics pre-check on the entire compressed image after the entire compressed image having been received". Applicant only mentions references the "entire compressed image" once in paragraph 27. However one of ordinary skill in the art would not interpret the invention as described in the specification to be limited in this manner. Paragraph 27 States "In other words, the debug analysis is performed on the entire compressed image picture first, and when the result of the debug analysis indicates that there is no error data, it is determined that the compressed image picture is suitable for the subsequent decoding operation." This paragraph only implies the debug analysis is preformed on the entire compressed image before the compressed data is decoded, this can also be seen in figure 3 where the analyzing is completed prior to the pipelined decoding process. However nowhere in the specification does it recite or imply that the entire performing debug analysis on the entire compressed image is preformed after the entire compressed image picture having been received. The examiner suggests the following amendment to amend claim 1 to recite the feature of paragraph 27 and figure 3 " *...pre-check on the entire compressed image picture prior to beginning any subsequent decoding operation...*".
11. Re claim 3 Similar to claim 1 there is no evidence to suggest that the "entire compressed image" should be reloaded. Although reloading the compressed image is disclosed this does not imply that the entire compressed image be reloaded, it is

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common in the art to reload an image by reloading only a corrupted part. There is nothing in applicant's specification to suggest that in applicant's invention the entire image should be reloaded to reload the compressed image.

12. Re claim 4 Similar to claim 3 there is no evidence to suggest that a determination is made based upon if there is sufficient time for reloading the entire compressed image. Again there is no implication that the entire compressed image must be reloaded to reload the image.

13. Re claim 5 claims 5 have similar problems as claim 4.

14. Re claims 2 and 6 these claims contain new matter because they depend from claim 1.

15. Re claims 7-12 these claims correspond to the method preformed by the apparatus of claims 1-6, claims 7-12 are likewise rejected.

Rejections Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1, 2, 4, 5, 7, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Branden EP 1056297 in view of admitted prior art (APA).

17. Re claim 1 Van Den Branden discloses An image decompressing circuit, comprising: a variable length decoding unit (video decoder paragraph 69), for receiving a compressed image picture (retrieve frame paragraph 69) and executing a debug analysis (examining marker bits paragraph 59) syntax and semantics (paragraph 69 and 70 note marker bits can include markers for syntax and semantic errors) pre-check on the entire compressed image picture (paragraph 70 note the entire frame is checked) after the entire compressed image picture having been received (retrieve frame paragraph 69), wherein when a result of the debug analysis indicates that the entire compressed image picture is suitable for a subsequent decoding operation (marker bit does not indicate an error paragraph 70) executing a decoding process (paragraph 70) on the compressed picture;

18. Van Den Branden does not specifically disclose executing a decoding process in pipeline on the compressed image picture, An image picture recovery unit, electrically coupled to the variable length decoding unit, for performing an inverse quantization, an inverse discrete cosine transformation and a motion compensation with a pipeline process after the compressed image picture has been decoded with

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the pipeline process, so as to recover the compressed image picture. The APA discloses, executing a decoding process in pipeline on the compressed image picture (background paragraph 6), An image picture recovery unit (paragraph 6), electrically coupled to the variable length decoding unit, for performing an inverse quantization (paragraph 6), an inverse discrete cosine transformation (paragraph 6) and a motion compensation (paragraph 6) with a pipeline process after the compressed image picture has been decoded with the pipeline process (paragraph 6), so as to recover the compressed image picture. The motivations to combine are to that these processes are necessary in MPEG decoding and pipeline processing well known to increase processing speed. Therefore it would have been obvious to combine the APA with Van Den Branden.

19. Re claim 2 Van Den Branden further discloses wherein when the variable length decoding unit performs the debug analysis on the entire compressed image picture and finds no error data (marker bit does not indicate an error paragraph 70), the entire compressed image picture is determined suitable for the subsequent decoding operation (note when there is no error decoding continues paragraph 70).

20. Re claim 4 Van Den Branden further discloses wherein when the variable length decoding unit performs the debug analysis on the entire compressed image picture and finds more than a predetermined number of the error data (extent of error paragraph 79) and there is no sufficient time to reload the compressed image

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picture, the entire compressed image picture is aborted (decoding is not attempted paragraph 79 resumes decoding at the next image (i.e. erroneous data is the entire image) paragraph 75).

21. Re claim 5 Van Den Branden further discloses wherein when the variable length decoding unit performs the debug analysis on the entire compressed image picture and finds less than a predetermined number of the error data (extent of damage paragraph 79) and there is no sufficient time to reload the compressed image picture, the compressed image entire picture is determined suitable for the subsequent decoding operation (paragraph 79 decode the erroneous data paragraph 75 note the erroneous data can be the entire picture).

22. Re claims 7, 8, 10 and 11 these claims correspond to the method preformed by the apparatus of claims 1, 2, 4, and 5 claims 7, 8, 10 and 11 are likewise rejected

23. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Branden in view of Lavalley et al US 5,267,242.

24. Re claim 6 Van Den Branden discloses all of the elements of claim 1 Van Den Branden does not disclose wherein the variable length decoding unit can selectively turn on or turn off the debug analysis (ECC logic column 5 lines 5-10) function for the compressed image picture. Lavalley discloses selectively turn on or turn off

(column 5 lines 5-10)the debug analysis function for the data. The motivation to combine is that “the ECC logic can be enable or disabled” (see column 5 lines 5-10).

25. Re claim 12 this claims is the method preformed by the apparatus in claim 5 and is likewise rejected. (See rejection for claim 6).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN MOTSINGER whose telephone number is (571)270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

Motsinger
12/11/2008